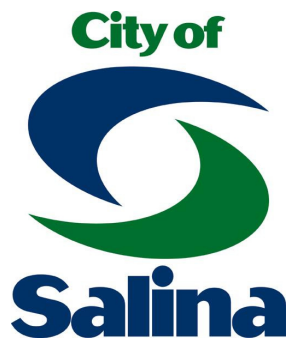


SALINA'S CLEAN INDOOR AIR ORDINANCE



**Promoting our
community's health!**



In January 2009, the Salina City Commission approved Ordinance No. 09-10481 (**City Code, Public Health Chapter 30.5**), which promotes public health by prohibiting smoking in public places and places of employment. The following information is intended to answer common questions, but not substitute for the specific regulations in the ordinance. It is our hope that this information assists both those that own and operate a public building or place of employment, and those who may work at or visit one.

The new regulations shall be in effect on
Saturday, MAY 2nd

Please know that starting on May 2nd, you, your staff, customers and visitors will not be allowed to smoke within any public place or place of employment that is fully enclosed, with limited exceptions.

Your business or organization will need to take steps to ensure that employees, customers and visitors obey the new law. This guide is for general educational purposes only. To view the full text of ordinance, please visit <http://www.salina-ks.gov>.

PURPOSE OF THE CLEAN INDOOR AIR ORDINANCE

There is predominant agreement among health-related agencies and organizations that secondhand smoke from tobacco products is a toxic indoor air contaminant that can cause respiratory illness, lung cancer, asthma and emphysema. The purpose of Salina's new Clean Indoor Air Ordinance is to decrease citizens' exposure to secondhand smoke and to create smoke-free environments within "public places" and "places of employment" in order to protect the public health and welfare. This ordinance is similar to those found in many other Kansas communities and goes far beyond Salina's former ordinance which prohibited smoking in restaurants during certain hours of the day.

KEY PROVISIONS

- "Public places" and "places of employment" include, but are not limited to: all fully enclosed buildings in which the public is invited or permitted to be, and ALL areas in which employees are expected to frequent during the course of employment. These include, but are not limited to: retail stores and malls, office buildings, factories, licensed child/adult care facilities, bars, bingo halls, hotels/motels, bowling alleys, truck stops, banks, nursing homes, arenas, theaters, private clubs and fraternal organizations, non-profit buildings, hospital and clinics, government buildings, City-owned buildings and City vehicles, and common areas of apartment buildings, condominiums, trailer parks, retirements facilities and other multi-unit residential facilities.
- Smoking is prohibited within 10 feet outside the "main entrance", operable windows and ventilation systems of buildings, where the owner/manager has legal control over the property.

- Smoking IS NOT regulated in private residences (single-family homes and the private, residential area of multi-unit residential facilities), except when used as a public place of business or place of employment.
- Smoking IS NOT regulated in portions of public buildings that are not enclosed, such as outdoor patios, decks, courtyards and outdoor dining areas.
- Public building owners and operators MAY, but are not required, to be more restrictive by prohibiting smoking in areas not covered by the Clean Indoor Air Ordinance.

RESPONSIBILITY OF PUBLIC BUILDING OWNERS/OPERATORS

Public building owners and operators shall:

- not knowingly permit, cause or allow any person to violate the provisions of the Clean Indoor Air Ordinance, and take “reasonable and necessary” steps to prevent it or address it as a part of their standard business procedure;
- install required “No Smoking” signage;
- remove all ashtrays and other smoking articles;
- enforce these requirements with their employees and the public;
- establish a simple workplace policy or work rule, and enforce it;
- Politely ask anyone smoking to extinguish their smoking material and stop smoking immediately or leave the premises because the activity is not allowed by City ordinance. In rare occasions, the building owner/operator may have to ask someone that is smoking to leave the premises if they fail to comply with their request.

BUILDING SIGNAGE REQUIREMENTS

Signage prohibiting smoking is required. The City doesn’t prescribe the exact number or type of sign that must be used. However, **signs communicating “no smoking” shall have letters of at least one (1) inch in height or include the universal “No Smoking” sign.** The Placement of signage is up to the building owner/operator, but the signs shall be placed where the public and employees can easily see them.

You are welcome to print your signs from our samples below. Please be mindful of the lettering size and print them to meet that requirement, as stated above.

SAMPLE SIGNAGE



OR



ENFORCEMENT PROVISIONS

The Clean Air Ordinance will be enforced by the Salina Police Department. Please note that the Clean Indoor Air Ordinance does contain enforcement provisions for a failure to comply. These are as follows:

- Violations by persons are considered a misdemeanor, with fines as follows:
 - 1st Violation – no less than \$50
 - 2nd Violation (within 1 year) – no less than \$100
 - Additional Violations (within 1 year) – no less than \$200
- In addition to the penalties prescribed above, a violation by a building owner/operator MAY result in suspension or revocation of any permit or license issued by the City.
- Violations are also considered "nuisances" and may be abated by a restraining order, preliminary or permanent injunction, or other legal means. The cost of nuisance abatement may be recovered by the City.

The City's enforcement efforts through May will be to educate and assist the public. We recognize that 100% compliance by May 2nd is not a realistic expectation. However, we do expect to see significant effort towards compliance during this time.

QUESTIONS and ANSWERS

Q: When using the phrase “public building”, what does this really mean?

A: Most building owners/operators probably consider their building to be private since it is privately owned. For purposes of this ordinance, the phrase “public building” is intended to reflect all buildings that are used for the benefit of the public or an activity that includes employees.

Q: How is this ordinance different from the current restrictions restaurant smoking ordinance?

A: This ordinance goes much further than the current restaurant ordinance. It regulates not only restaurants, but nearly all enclosed buildings in which the public is invited or permitted to be, or where employees frequent.

Q: Are bars, truck stops or bingo parlors exempted?

A: No. All of these establishments are covered by the ordinance.

Q: Are private residences (single-family homes, duplexes or apartments) regulated by the ordinance?

A: Private residences are not covered unless the owner or occupant is running a business in which the public or employees are invited or permitted to be there.

Q: Are there any limitations regarding time of day?

A: The ordinance contains no time of day limitations. It prohibits smoking in applicable public buildings 24 hours per day, 7 days per week.

Q: Are the private, residential areas of apartments, assisted living facilities or retirement homes regulated?

A: Private, residential areas that are not serviced by employees are not regulated by the ordinance. However, all common areas and areas serviced by employees are still covered, regardless of use.

Q: Are outside balconies or verandas regulated?

A: If a balcony, deck or veranda is not fully enclosed as described by the ordinance it is not regulated.

Q: Are City-owned or leased buildings included?

A: Yes. All City owned or leased buildings are covered. In fact, even City vehicles are covered.

Q: Can business owners/operators be cited for allowing smoking in the area within 10 feet of a main entrance when this area extends into property owned by the City or another party?

A: Unless the business owner/operator has controlling authority over the area within 10 feet of a main entrance, then they are not considered the responsible party. However, a person(s) that smokes in this area can still be cited under the

ordinance. An example of this type of area would be along Santa Fe where the front doors of public buildings meet the City-owned sidewalk.

Q: Are private clubs and fraternal organizations regulated when holding private events in certain areas of their buildings?

A: These areas would typically be regulated by the ordinance. In order not to be regulated, they would have to ensure the public would never be invited or expected to occupy the space, have approved separation and ventilation, and not allow any employment activity in the area.

Q: Will business owners/operators be automatically cited if a patron or employee is caught violating the ordinance?

A: It is not the City's intent to arbitrarily or unfairly cite business owners/operators. In order to avoid being cited, business owners/operator need to take "necessary steps" to prevent or stop the activity. They may not knowingly allow the smoking to occur, must post proper signage, permanently remove all smoking paraphernalia, have employee rules in place, and take initiative to stop the activity if it occurs. This basically means applying a similar business approach to this activity as they would to other violations of company policy before contacting the local authorities for assistance.

Q: Is smoking allowed in separately ventilated and physically separated areas of a public building?

A: Yes, but only if this portion of a building is not used either for ANY public interaction or ANY employee activities.

Q: How strictly will Salina enforce this ordinance when it becomes effective?

A: The City recognizes that this is a major change for our community. As a result, our intention is not to write tickets as a first response, but to first work with building owners/operator to ensure compliance. Given our current workload, it is very unlikely that you will find police officers patrolling the community to find violators. However, you should expect them to respond to complaints and obvious violations.

IMPORTANT CONTACT INFORMATION

To obtain a copy of the City of Salina's Clean Indoor Air Ordinance (**Ordinance No. 09-10481 – Salina Code, Public Health Chapter 30.5**) please visit our website at www.salina-ks.gov or contact the City Clerk's Office at:

City Clerk's Office
City-County Building
300 W. Ash, Room 206
Salina, KS 67401
(785) 309-5735
E-mail: cityclerksoffice@salina.org

To request a compliance determination, please contact:

City Manager's Office
City-County Building
300 W. Ash, Room 202
Salina, KS 67401
(785) 309-5700
E-mail: citymanagersoffice@salina.org

FOR HELP IN QUITTING SMOKING

Call the free **Kansas Smokers' Quitline** 1-866-KAN-STOP for free one-on-one coaching by trained specialists. The Quitline is open 24 hours a day/7 days a week in English, Spanish and 150 other languages. Trained counselors provide callers support to create an individual plan for quitting. This free service is available to Kansans who are ready to quit tobacco.

American Lung Association
Freedom From Smoking online stop smoking program
<http://www.ffsonline.org>

Nicotine Anonymous – for those interested in organizing a 12 step program:
Toll-free number: 1-877-879-6422
<http://www.nicotine-anonymous.org>

Centers for Disease Control and Prevention
Office on Smoking and Health
Toll-free number: 1-800-CDC-INFO (1-800-232-4636)
www.cdc.gov/tobacco/quit_smoking/how_to_quit/

Smokefree.gov - offers science-driven tools, information, and support that have been effective in helping smokers quit
Toll-free number: 1-800-QUITNOW (1-800-784-8669)
www.smokefree.gov/

American Cancer Society
www.cancer.org
search site: Guide to Quitting Smoking
search site: Helping a Smoker Quit: Do's and Don'ts

American Heart Association
www.americanheart.org
search site: Quitting Smoking

**Note: most websites are also available in Spanish.*

Free 10-Step Quit smoking course ONLINE

<http://www.quitsmokingonline.com>

Salina-Saline County Health Department

www.sschd.org

The Health Department is unable to provide free or reduced cost nicotine patches or prescription medicines to help you stop smoking. Check with your insurance company to see if they will cover the cost of stop smoking medicines or nicotine patches.

If you have specific health-related questions, please call the Salina-Saline County Health Department at 785-826-6600, health education department.

The Kansas Medical Card (Medicaid) WILL PAY for:

- ❖ nicotine patches, and
- ❖ bupropion SR (Zyban®, Wellbutrin®)

up to a maximum of one 12-week course of therapy per 365 days.

The Kansas Medical Card also pays for:

- ❖ **varenicline (Chantix®) pills**

up to 24 weeks of therapy per 365 days. Some restrictions apply.

Nicotine gum, nicotine oral and nasal inhalers are not covered.

Talk to your doctor, insurance company, or pharmacy about getting help to quit smoking! Call your health care provider to see if they offer classes or counseling services to help you quit.

Contact the Tobacco Use Prevention Program at Central Kansas Foundation (CKF) 785-825-6224 for more information on quitting, and information about upcoming stop smoking classes. For a signage offer, please see the next page.

INFORMATION AND COMMUNITY HEALTH RESOURCES

Centers for Disease Control & Prevention

http://www.cdc.gov/tobacco/secondhand_smoke

http://www.cdc.gov/tobacco/data_statistics/mmwrs/2009/mm5751a1_highlights.htm

Surgeon General's Report

<http://www.surgeongeneral.gov/library/secondhandsmoke/secondhandsmoke.pdf>

<http://www.surgeongeneral.gov/library/secondhandsmoke/factsheets/factsheet6.html>

Press Release on Pueblo CO study

<http://www.cdc.gov/media/pressrel/2008/r081231.htm>

Clean Air Kansas

<http://www.cleanairkansas.org/>

http://cleanairkansas.org/files/Secondhand%20Smoke%20Fact%20Sheet_0.pdf

<http://www.tobaccofreekansas.org/site06/pdf/CAKansas%20handout.pdf>

National Organizational Support

<http://www.cleanairkansas.org/files/National%20Organizational%20Support%20Fact%20Sheet.pdf>

American Cancer Society

http://www.cancer.org/docroot/PED/content/PED_10_2X_Secondhand_Smoke-Clean_Indoor_Air.asp?sitearea=PED

http://www.cancer.org/downloads/GAHC/HP_Facts_About_Secondhand_Smoke.doc

The Toll of Tobacco in Kansas

<http://www.tobaccofreekids.org/reports/settlements/toll.php?StateID=KS>

The **Central Kansas Foundation** is offering each business in Salina a static cling decal upon request. These decals will be 4" X 6" and will include the international "No Smoking" symbol. We have provided a sample below.

They will be available for pick up at the CKF office, 1805 South Ohio (785-825-6224), at the Salina-Saline County Health Department, or at the City-County Building, City Clerk's Office, Room 206. There is also a ***Free Kansas Smokers' Quitline 1-866-KAN-STOP***



NO SMOKING

**Inside building
and within 10 feet of entrance**

PER CITY ORDINANCE